



## State of New Jersey

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BOB MARTIN  
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*Lt. Governor*

### NOTICE OF PRELIMINARY DRAFT RENEWAL – MASTER GENERAL PERMIT NJ0141861

Date: March 11, 2016

To: Tier B Municipalities and Other Interested Parties

Re: Preliminary Draft Renewal of Master General Permit No. NJ0141861 (Category Code R10)  
For Tier B Municipal Separate Storm Sewer Systems (aka the Tier B MS4 NJPDES Permit)

Dear Interested Party:

The New Jersey Department of Environmental Protection (the Department) has prepared a Preliminary Draft Renewal of the Tier B MS4 NJPDES Permit. The Department is interested in your comments on the preliminary draft permit. The Tier B MS4 NJPDES Permit authorizes the discharge of stormwater from MS4s owned or operated by Tier B Municipalities in the State of New Jersey. The conditions of this permit were last renewed in 2009, expired on February 28, 2014, and continue in force pending completion of the renewal process (see N.J.A.C. 7:14A-2.8).

The purpose of a preliminary draft permit is to solicit input prior to the issuance of the draft permit. The Department will not formally respond to comments received on the preliminary draft but will consider them during preparation of a draft permit. The Department will then issue a draft permit; solicit formal comments; and issue a response to comments document with the final permit decision (see N.J.A.C. 7:14A-15). Comments on the preliminary draft permit may be submitted as described below.

The Tier B MS4 permit program has been in place since 2004. As a result, most municipalities have developed a stormwater program that complies with the core requirements of this preliminary draft renewal. While there are some new requirements, the preliminary draft permit was prepared in recognition of the resource constraints faced by many New Jersey municipalities. Most conditions are unchanged or clarified from the 2009 NJPDES MS4 permit, and most new requirements are phased in over time.

The preliminary draft permit and support documents are posted at [www.nj.gov/dep/dwq/tier\\_b\\_draft.htm](http://www.nj.gov/dep/dwq/tier_b_draft.htm). Comments on the preliminary draft permit shall be submitted in writing and may be emailed to [ms4predraft@dep.nj.gov](mailto:ms4predraft@dep.nj.gov) or mailed to the address on this letterhead, Attention: “Comments on Tier B MS4 Preliminary Draft Renewal (NJ0141861)”. All materials supporting a comment shall be included in full and may not be incorporated by reference. Please submit written comments by April 15, 2016.

Sincerely,

James J. Murphy, Chief  
Bureau of Nonpoint Pollution Control

## PART I GENERAL REQUIREMENTS: NJPDES

### A. General Requirements of all NJPDES Permits

#### 1. Requirements Incorporated by Reference

- a. The permittee shall comply with all conditions set forth in this permit and with all the applicable requirements incorporated into this permit by reference. The permittee is required to comply with the regulations, including those cited in paragraphs b. through e. following, which are in effect as of the effective date of the final permit.
- b. General Conditions
  - Penalties for Violations N.J.A.C. 7:14-8.1 et seq.
  - Incorporation by Reference N.J.A.C. 7:14A-2.3
  - Toxic Pollutants N.J.A.C. 7:14A-6.2(a)4i
  - Duty to Comply N.J.A.C. 7:14A-6.2(a)1 & 4
  - Duty to Mitigate N.J.A.C. 7:14A-6.2(a)5 & 11
  - Inspection and Entry N.J.A.C. 7:14A-2.11(e)
  - Enforcement Action N.J.A.C. 7:14A-2.9
  - Duty to Reapply N.J.A.C. 7:14A-4.2(e)3
  - Signatory Requirements for Applications and Reports N.J.A.C. 7:14A-4.9
  - Effect of Permit/Other Laws N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(c)
  - Severability N.J.A.C. 7:14A-2.2
  - Administrative Continuation of Permits N.J.A.C. 7:14A-2.8
  - Permit Actions N.J.A.C. 7:14A-2.7(c)
  - Reopener Clause N.J.A.C. 7:14A-6.2(a)10
  - Permit Duration and Renewal N.J.A.C. 7:14A-2.7(a) & (b)
  - Consolidation of Permit Process N.J.A.C. 7:14A-15.5
  - Confidentiality N.J.A.C. 7:14A-18.2 & 2.11(g)
  - Fee Schedule N.J.A.C. 7:14A-3.1
  - Treatment Works Approval N.J.A.C. 7:14A-22 & 23
- c. Operation And Maintenance
  - Need to Halt or Reduce not a Defense N.J.A.C. 7:14A-2.9(b)
  - Proper Operation and Maintenance N.J.A.C. 7:14A-6.12
- d. Monitoring And Records
  - Monitoring N.J.A.C. 7:14A-6.5
  - Recordkeeping N.J.A.C. 7:14A-6.6
  - Signatory Requirements for Monitoring Reports N.J.A.C. 7:14A-6.9
- e. Reporting Requirements
  - Planned Changes N.J.A.C. 7:14A-6.7
  - Reporting of Monitoring Results N.J.A.C. 7:14A-6.8
  - Noncompliance Reporting
    - Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10 & 6.8(h)
    - Written Reporting N.J.A.C. 7:14A-6.10(c) & (d)
    - N.J.A.C. 7:14A-6.10(e) & (f) & 6.8(h)
  - Duty to Provide Information N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
  - Schedules of Compliance N.J.A.C. 7:14A-6.4
  - Transfer N.J.A.C. 7:14A-6.2(a)8 & 16.2

## PART II

### GENERAL REQUIREMENTS: DISCHARGE CATEGORIES

#### A. Eligibility

##### 1. Permit Scope

- a. The Tier B MS4 NJPDES Permit applies to all areas of New Jersey as follows:
  - i. This permit applies to all municipalities assigned to Tier B under N.J.A.C. 7:14A-25.3(a)2. Tier B Municipalities are generally located in more rural areas and in non-coastal regions.
- b. This permit applies to the owner or operator of the Municipal Separate Storm Sewer System (MS4) meaning the Tier B Municipality. The owner or operator is responsible for ensuring compliance with this permit.
- c. The short title of this permit is the “Tier B MS4 NJPDES permit.”

##### 2. Authorized Discharges Under the Tier B MS4 NJPDES Permit

- a. Eligible Stormwater Discharges
  - i. This permit authorizes all new and existing stormwater discharges to surface water or ground water from small MS4s (as defined at N.J.A.C. 7:14A-1.2) owned or operated by Tier B Municipalities except as provided in Part II A.3 below.
- b. Eligible Non-Stormwater Discharges – Except as identified in Part II A.3.e below, the following new and existing non-stormwater discharges from small MS4s owned or operated by Tier B Municipalities are eligible for authorization under this permit:
  - i. Potable water line flushing and discharges from potable water sources, excluding filter backwash and the discharge of first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
  - ii. Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
  - iii. Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);
  - iv. Irrigation water (including landscape and lawn watering runoff);
  - v. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;
  - vi. Residential car washing water, and residential swimming pool discharges (including associated filter backwash);
  - vii. Sidewalk, driveway and street wash water;

- viii. Flows from firefighting activities including the washing of fire fighting vehicles;
  - ix. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;
  - x. Flows from clean water rinsing of equipment and vehicles used in the application of salt and de-icing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and
  - xi. Rinsing of equipment in Part II.A.2.b.ix and x, above is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.
3. Discharges Not Authorized Under the Tier A MS4 NJPDES Permit
- a. Stormwater Discharges Associated with Industrial Activity
    - i. The Tier B MS4 NJPDES Permit does not authorize “stormwater discharge associated with industrial activity” as defined in N.J.A.C. 7:14A-1.2.
    - ii. Types of facilities that a Tier B Municipality might operate and that are considered to be engaging in “industrial activity” include but are not limited to certain: 1) landfills; 2) transportation facilities (including certain local passenger transit and air transportation facilities); 3) facilities handling domestic sewage or sewage sludge; and 4) steam electric power generating facilities.
    - iii. Any municipality that operates an industrial facility with such a discharge must submit a separate Request for Authorization (RFA) or individual permit application for that discharge (see [www.state.nj.us/dep/dwq/forms\\_storm.htm](http://www.state.nj.us/dep/dwq/forms_storm.htm)). An RFA submitted for the Tier B MS4 NJPDES Permit does not qualify as an RFA for such a discharge.
    - iv. Except as provided in 2.b.ix, x, and xi above, this permit does not authorize the discharge of equipment and vehicle wash water from any municipal operations or from any entity contracted by the municipality to provide such functions on property owned and operated by the municipality. Tier B Municipalities shall manage any equipment and vehicle washing activities so that there are no unpermitted discharges of wash wastewater to surface or ground waters of the State. Tier B Municipalities shall maintain a record of where and when equipment and vehicle washing occurs to document proper management of wash water discharge.
  - b. Stormwater Discharges Associated with Construction Activity
    - i. The Tier B MS4 NJPDES Permit does not authorize “stormwater discharges associated with construction activity” as described in N.J.A.C. 7:14A-24.10(a). In general, this is the discharge to surface water of stormwater from construction activity that disturbs at least one acre.
    - ii. Any municipality that operates a construction site with such a discharge shall submit a separate RFA under NJPDES Permit No. NJ0088323 (General Stormwater Permit Construction Activity, see [www.state.nj.us/dep/dwq/5g3.htm](http://www.state.nj.us/dep/dwq/5g3.htm)), or an application for an individual permit for that discharge. An RFA submitted for the Tier B MS4 NJPDES Permit does not qualify as an RFA for such a discharge.
  - c. Stormwater Discharges Authorized under Another NJPDES Permit

- i. The Tier B MS4 NJPDES Permit does not authorize any stormwater discharge that is authorized under another NJPDES permit.
  - ii. A Tier B Municipality does not have to implement measures contained in this NJPDES permit for stormwater discharges at facilities owned or operated by that municipality that are regulated under a separate NJPDES stormwater permit authorizing those discharges.
- d. Stormwater Discharges that Conflict with a Water Quality Management Plan
- i. The Tier B MS4 NJPDES Permit does not authorize stormwater discharges from projects or activities that conflict with an adopted Areawide or Statewide Water Quality Management Plan.
- e. Non-Stormwater Discharges that are Contributors of Pollutants
- i. If any of the discharges listed in Part II A.2.b above are identified by the Tier B Municipality as a significant contributor of pollutants to or from the MS4, the Tier B Municipality must contact the Department so appropriate action may be taken.

## **B. Administrative Process**

1. Automatic Renewal of Authorizations
  - a. Upon reissuance of this general permit, existing authorizations shall be automatically renewed as provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3 using the information provided in the permittees' most recently submitted RFA.
2. Notification of Changes
  - a. A Tier B Municipality shall provide a corrected RFA to the Department within 90 days of the effective date of a renewed authorization under this general permit if any information in its most recently submitted RFA is no longer true, accurate, and/or complete.
  - b. The Tier B Municipality shall notify the Department of any changes of its Municipal Stormwater Program Coordinator information using [www.state.nj.us/dep/dwq/pdf/msrp\\_update\\_form.pdf](http://www.state.nj.us/dep/dwq/pdf/msrp_update_form.pdf)
  - c. A Tier B Municipality that already has authorization to discharge from a small MS4 under the Tier B permit does not need to submit a RFA for the expansion (e.g. new residential development) of an existing small MS4.
3. Requests for Authorization (RFA, see [www.state.nj.us/dep/dwq/forms\\_storm.htm](http://www.state.nj.us/dep/dwq/forms_storm.htm))
  - a. New RFA's under the Tier B MS4 permit
    - i. A single RFA is required for the entire eligible discharge from the small MS4 owned or operated by and located within a single municipality. Multiple RFAs are not required for multiple municipal operations (e.g., municipally owned and operated maintenance facilities, garages, and/or offices).
    - ii. An RFA shall include at a minimum: the name and address of the municipality; the name and address of the Municipal Stormwater Program Coordinator; a certification acknowledging the best management practices and measurable goals specified in the permit; and any other information as required by the Department.
  - b. Upon receipt of an RFA the Department may, in accordance with N.J.A.C. 7:14A-6.13, do one of the following:

- i. Issue notification of authorization under this permit;
  - ii. Deny authorization under this permit and require submittal of an application for an individual permit; or
  - iii. Deny authorization under this permit and require submittal of an RFA for another general permit.
- c. Reassignment of Municipality to Tier B
- i. If a municipality receives notice from the Department (pursuant to per N.J.A.C. 7:14A-25.3(a)(3)) that it has been reassigned from Tier A to Tier B (pursuant to N.J.A.C. 7:14A-25.3(a)(1) and (2)), the deadline to submit an RFA is 180 days after the receipt of that notice, unless the Department approves a later date.

## **C. General Conditions**

### **1. Notification of Non-Compliance**

- a. The Tier B Municipality shall notify the Department of any non-compliance when required by N.J.A.C. 7:14A-6.10 by contacting the DEP Hotline at 1-877-WARN-DEP.

### **2. Discharge of Pollutants**

- a. For discharges authorized by this permit, the Tier B Municipality is exempt from N.J.A.C. 7:14A-6.2(a)2. This exemption means that the discharge of any pollutant from the MS4 not specifically regulated in this NJPDES permit or listed and quantified in the RFA shall not constitute a violation of the permit.

### **3. Standard Reporting Requirements – Electronic Reporting of NJPDES Information**

- a. Unless already required by this permit to be submitted electronically by an earlier date, effective December 21, 2020, the below identified documents and reports shall be electronically submitted via the Department's designated Electronic Submission Service:
  - i. General permit authorization requests (i.e. RFAs);
  - ii. General permit termination/revocation requests; and
  - iii. Municipal separate storm sewer system (MS4) program reports (see Part IV.G).

### **4. Other Regulatory Requirements**

- a. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department.
- b. The issuance of this permit shall not be considered as a waiver of any applicable federal, state or local rules, regulations and ordinances.
- c. In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to, N.J.A.C. 7:50 (the Pinelands rules), N.J.A.C. 7:1-E (Discharges of Petroleum and other Hazardous Substances), regulations concerning threatened and endangered species, and other Department rules. No discharge of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) resulting from an onsite spill shall be

deemed to be “pursuant to and in compliance with this permit” within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c.

- d. While the Tier B Municipality is required to comply with applicable operation and maintenance requirements of N.J.A.C. 7:14A-6.12(a), the Tier B Municipality is exempt from the operations and maintenance manual requirements of N.J.A.C. 7:14A-6.12(c). This exemption applies only to discharges authorized under this permit and does not alter the operation and maintenance requirements for municipally or privately owned stormwater facilities specified in this permit or N.J.A.C. 7:8.

5. Additional Requirements Incorporated by Reference

- a. The Stormwater Management rules at N.J.A.C. 7:8.
- b. Conditions for General Permits at N.J.A.C. 7:14A-6.13, including the Department’s authority to require, for due cause, a Tier B Municipality to apply for and obtain a different stormwater permit for specific activities otherwise authorized under this permit.
- c. Additional Conditions applicable to UIC permits at N.J.A.C. 7:14A-8.9, UIC Corrective Action (N.J.A.C. 7:14A-8.11) and UIC Operating Criteria (N.J.A.C. 7:14A-8.16).
- d. Conditions for reopening and modification of small MS4 permits at N.J.A.C.-7:14A-16.4(b) and N.J.A.C. 7:14A-25.7(b).
- e. Requirements for Discharges to Ground Water at N.J.A.C. 7:14A-7.

### **PART III**

The Tier B Municipality shall keep records necessary to document, in the Annual Report and Certification, the status of compliance with the conditions of this permit. The requirement to submit an Annual Report and Certification is found at Part IV.G of this permit.

## PART IV

### SPECIFIC REQUIREMENTS: NARRATIVE NOTES AND DEFINITIONS

#### A. Notes

##### 1. Acronyms

- a. Stormwater acronyms included in this permit are as follows:
  - i. “BMP” - Best Management Practice
  - ii. “CFR” - Code of Federal Regulations
  - iii. “EDPA” - Effective Date of Permit Authorization
  - iv. “MS4” – Municipal Separate Storm Sewer System
  - v. “MSWMP” – Municipal Stormwater Management Plan
  - vi. “MSRP” – Municipal Stormwater Regulation Program
  - vii. “N.J.A.C.” - New Jersey Administrative Code
  - viii. “NJPDES” - New Jersey Pollutant Discharge Elimination System
  - ix. “N.J.S.A.” - New Jersey Statutes Annotated
  - x. “RSIS” – Residential Site Improvement Standards

##### 2. Internal Cross References

- a. For the purposes of this permit:
  - i. References to Part IV Notes and Definitions are preceded with the words “Notes and Definitions” (e.g. Notes and Definitions Part IV.A.1 refers to Acronyms).
  - ii. References to Part IV Tier B MS4 NJPDES Permit are not preceded by descriptive text (e.g. Part IV.A.1 refers to Overview of the Tier B MS4 NJPDES Permit).

##### 3. Department Resources for Guidance Relating to MS4 Issues

- a. MS4 main website and related links: [www.nj.gov/dep/dwq/msrp\\_home.htm](http://www.nj.gov/dep/dwq/msrp_home.htm)
- b. MS4 Tier B Guidance document: [www.nj.gov/dep/dwq/tier\\_b\\_guidance.htm](http://www.nj.gov/dep/dwq/tier_b_guidance.htm)
- c. Construction Site Stormwater Runoff: [www.nj.gov/dep/dwq/5g3.htm](http://www.nj.gov/dep/dwq/5g3.htm)
- d. Snow Removal and Disposal Policy: [www.nj.gov/dep/dwq/bnpc\\_home.htm](http://www.nj.gov/dep/dwq/bnpc_home.htm)
- e. Green Infrastructure and related links: [www.nj.gov/dep/gi/](http://www.nj.gov/dep/gi/)
- f. Stormwater management information and training tools: [www.njstormwater.org](http://www.njstormwater.org)
- g. Public education for stormwater pollution: [www.cleanwaternj.org](http://www.cleanwaternj.org)

- h. Clean Communities, a statewide litter abatement program: [www.njclean.org](http://www.njclean.org)

#### 4. EPA Resources for Guidance Relating to MS4 Issues

- a. EPA's MS4 website and related links: [water.epa.gov/polwaste/npdes/stormwater/Municipal-Separate-Storm-Sewer-System-MS4-Main-Page.cfm](http://water.epa.gov/polwaste/npdes/stormwater/Municipal-Separate-Storm-Sewer-System-MS4-Main-Page.cfm)
- b. EPA's National Menu of Stormwater Best Management Practices: [www.epa.gov/national-pollutant-discharge-elimination-system-npdes/national-menu-best-management-practices-bmps](http://www.epa.gov/national-pollutant-discharge-elimination-system-npdes/national-menu-best-management-practices-bmps)
- c. EPA's guidance for Green Infrastructure: <http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm>
- d. Guidance from EPA Region 3 for municipalities that wish to improve their municipal stormwater programs: [www.epa.gov/npdes/pubs/region3\\_factsheet\\_swmp.pdf](http://www.epa.gov/npdes/pubs/region3_factsheet_swmp.pdf)
- e. EPA's Trash Free Waters resource page: [water.epa.gov/type/oceb/marinedebris/](http://water.epa.gov/type/oceb/marinedebris/)

### B. Definitions

#### 1. Definitions

- a. All words and terms used in this permit shall have meanings as defined in the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System" (N.J.A.C. 7:14A), unless otherwise stated or unless the context clearly requires a different meaning.
- b. "Catch basin" means a cistern, vault, chamber or well that is usually built along a street as part of the storm sewer system to capture sediment, debris, and other pollutants.
- c. "Effective Date of Permit Authorization" means the date the permittee's authorization to discharge under this Tier B MS4 NJPDES permit becomes effective. This date may be found on the permittee's Authorization to Discharge.
- d. "Existing permittee" means a municipality that held an authorization to discharge under the Tier B MS4 NJPDES permit on \_\_\_\_\_. [THE DAY BEFORE THE PROJECTED EFFECTIVE DATE OF THIS PERMIT]
- e. "Green infrastructure" means methods of stormwater management that reduce wet weather/stormwater volume, flow, or changes the characteristics of the flow into combined or separate sanitary or storm sewers, or surface waters, by allowing the stormwater to infiltrate, to be treated by vegetation or by soils, or to be stored for reuse. Green infrastructure includes, but is not limited to, pervious paving, bioretention basins, vegetated swales, and cisterns.
- f. "Maintenance plan" means a maintenance plan pursuant to N.J.A.C. 7:8-5.2(b) and 5.8 prepared by the design engineer for the stormwater management measures incorporated into the design of a major development.
- g. "Major development" means any development that provides for ultimately disturbing one or more acres of land or as specified by a municipality's stormwater control ordinance. Disturbance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."
- h. "Manufactured treatment device" means a pre-fabricated stormwater treatment structure utilizing settling, filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to remove pollutants from stormwater runoff.

- i. "Municipal separate storm sewer" means a municipal separate storm sewer as defined in N.J.A.C. 7:14A-1.2.
- j. "Municipality" means a municipality as defined in the Municipal Land Use Law at N.J.S.A. 40:55D-5, that is, any city, borough, town, township, or village.
- k. "New permittee" means a municipality that obtains its first authorization to discharge under the Tier B MS4 NJPDES permit on or after \_\_\_\_\_. [THE PROJECTED EFFECTIVE DATE OF THIS PERMIT].
- l. "Small MS4" means all municipal separate storm sewers (other than "large" or "medium" municipal separate storm sewer systems as defined in N.J.A.C. 7:14A-1.2) that are:
  - i. Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
  - ii. Owned or operated by county, State, interstate, or Federal agencies, and located at public complexes as described under N.J.A.C. 7:14A-25.2(a)2;
  - iii. Owned or operated by county, State, interstate, or Federal agencies, and located at highways and other thoroughfares as described under N.J.A.C. 7:14A-25.2(a)3; or
  - iv. Owned or operated by county, State, interstate, Federal, or other agencies, and receive special designation under N.J.A.C. 7:14A-25.2(a)4.
  - v. Note that all MS4s covered under the Tier B MS4 NJPDES permit are "small MS4s".
- m. "Solids and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids as defined at N.J.A.C. 7:14A-25.6(b)3iii.
- n. "Storm drain inlet" means the point of entry into the storm drain system and is, where a catch basin is present, the uppermost portion (or cover) of a catch basin.
- o. "Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface; is transmitted to the subsurface; is captured by separate storm sewers or other sewerage or drainage facilities; or is conveyed by snow removal equipment.
- p. "Stormwater facility" includes, but is not limited to: catch basins, detention basins, retention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, and stormwater conveyances. Stormwater facilities include stormwater management measures.
- q. "Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).
- r. "Stormwater management measure" as defined at N.J.A.C. 7:8-1.2 means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.
- s. "Tier B Municipality's MS4" means an MS4 owned and operated by a Tier B Municipality.

## **Tier B Municipal Stormwater General Permit**

### **A. Permit Overview**

#### **1. Overview of the Tier B MS4 NJPDES Permit**

- a. The Tier B Municipality (i.e. the permittee) is required to develop, update, implement and enforce an MS4 stormwater program that must include the Statewide Basic Requirements that are listed in Part IV.B and the Additional Measures, if any, required by Part IV.C.

#### **2. Primary Plans Required by the Tier B MS4 NJPDES Permit**

- a. The Municipal Stormwater Management Plan is a component of the municipal master plan (N.J.S.A. 40:55D-94). The MSWMP describes the municipality's strategy, structure and process for addressing stormwater runoff from new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8 et seq.). This strategy, structure and process is also referred to as the post construction stormwater management program in this permit. See Part IV.B.2. Any MSWMP that complies with N.J.A.C. 7:8 also complies with this condition and Part IV.B.2.f.

#### **3. Summary of Tier B MS4 NJPDES Permit Requirements**

- a. The Tier B Municipality shall develop, update, implement and enforce a stormwater program to ensure compliance with:
  - i. The Statewide Basic Requirements. See Part IV.B;
  - ii. Additional Measures. See Part IV.C; and
  - iii. Optional Measures, if deemed appropriate. See Part IV.D.
- b. The Tier B Municipality shall submit an Annual Report and Certification summarizing the status of compliance with this permit. See Part IV.G.
- c. The Tier B Municipality shall adopt, amend, implement and enforce a written MSWMP. See Part IV.A.2.a and B.3.f.
- d. The Tier B Municipality shall modify and update its stormwater program (including necessary modification to applicable plans and ordinances) to conform with applicable legislation or duly promulgated regulations required by this permit to implement the permittee's stormwater program to resolve conflicts between any of the documents required by this permit. Such modification shall be completed and effective within one year of notification by the Department of the need for modification.

### **B. Statewide Basic Requirements and Associated Conditions**

#### **1. Minimum Standards for Local Public Education and Outreach**

- a. The Tier B Municipality shall implement a Public Education and Outreach Program that focuses on educational and pollution prevention activities to involve the public in reducing pollutants in stormwater and mitigating flow. The Tier B Municipality shall annually conduct educational activities that total at least 12 points and include activities from at least three of the five categories as set forth in Attachment B (Points System for Public Education and Outreach Activities).

Records shall be kept necessary to demonstrate compliance with this requirement, including date of activities and any other relevant documentation.

- b. The Tier B Municipality shall label all storm drain inlets for those drains that do not have permanent wording cast into the structure of the inlet. The Tier B Municipality shall also maintain the legibility of those labels and replace any labels that are missing or not legible. See of the Tier B Municipal Guidance document ([www.state.nj.us/dep/dwq/tier\\_b\\_guidance.htm](http://www.state.nj.us/dep/dwq/tier_b_guidance.htm)) for specific measures. This requirement shall include the following:
  - i. All storm drain inlets along municipal streets with sidewalks;
  - ii. All storm drain inlets within plazas, parking areas or maintenance yards that are operated by the municipality.
- c. The Tier B Municipality shall advertise public involvement program(s) pertaining to education and outreach activities on the municipality's website, through a mailing, through newspaper advertisement, or other similar means.
- d. The Tier B Municipality shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Local Public Education and Outreach specified in Attachment A (Measureable Goals and Implementation Schedule).

## **2. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment**

- a. The Tier B Municipality shall develop, update, implement and enforce its stormwater management program to address post construction stormwater runoff in new development and redevelopment and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8 et seq. In general, the regulations at N.J.A.C. 7:8:
  - i. Contain requirements for stormwater management plans and stormwater control ordinances;
  - ii. Provide information for the adoption and implementation of municipal stormwater management plans and regional stormwater management plans; and
  - iii. Establish design, performance and maintenance standards for stormwater management measures and establish safety standards for stormwater management basins.
- b. The post construction stormwater management program established by the Tier B Municipality shall address stormwater runoff from the following types of major development unless a more stringent standard is specified by the municipality's stormwater control ordinance:
  - i. New development and redevelopment projects that disturb one acre or more and are not operated by the municipality (e.g. retail stores, residential complexes);
  - ii. New development and redevelopment projects that disturb one acre or more and are operated by the municipality itself (e.g. town complex); and
  - iii. All new development and redevelopment projects that are less than one acre that are part of a larger common plan of development or sale (e.g. phased residential development).
- c. The post construction stormwater management program established by the Tier B Municipality shall require compliance with the applicable design, performance and maintenance standards established under N.J.A.C. 7:8 et seq. for major development.

- d. The Tier B Municipality shall review and analyze development applications for compliance with N.J.A.C. 7:8 et seq. even if a permit is required by the Department for the same or similar activity (e.g. a Land Use permit).
- e. The post construction stormwater management program established by the Tier B Municipality shall ensure that any residential development and redevelopment projects that are subject to the Residential Site Improvement Standards (RSIS) for stormwater management (N.J.A.C. 5:21-7) comply with those standards, including any exception, waiver, or special area standard that was approved under N.J.A.C. 5:21 et seq.
- f. The Tier B Municipality shall adopt, amend and implement a written Municipal Stormwater Management Plan (MSWMP), pursuant to N.J.A.C. 7:8 et seq., to describe the framework of the Tier B Municipality's strategy, structure and process for its post construction stormwater management program.
  - i. The Tier B Municipality shall submit the adopted plan for approval to the County review agency in accordance with N.J.A.C. 7:8-4;
  - ii. The Tier B Municipality shall meet the notification requirements in accordance with N.J.A.C. 7:8-4.4(e);
  - iii. The Tier B Municipality shall review and update its MSWMP as necessary, and as a part of the reexamination of its municipal master plan in accordance with N.J.A.C. 7:8-4.3(c) and (d).
- g. In order to implement the post construction stormwater management program, the Tier B Municipality shall adopt, amend, implement and enforce a municipal stormwater control ordinance. The Tier B Municipality shall develop and adopt the contents of the ordinance in accordance with N.J.A.C. 7:8 et seq. A sample stormwater ordinance consistent with the requirements of the Stormwater Management Rules is posted at [www.njstormwater.org/bmp\\_manual2.htm](http://www.njstormwater.org/bmp_manual2.htm). The municipal stormwater control ordinance shall include, at a minimum, the following elements:
  - i. Control aspects of residential development and redevelopment projects that are not pre-empted by the RSIS;
  - ii. Control stormwater from non-residential development and redevelopment projects, in accordance with the requirements at N.J.A.C. 7:8 et seq.; and
  - iii. Set forth special area standards approved by the Site Improvement Advisory Board for residential development or redevelopment projects under N.J.A.C. 5:21-3.5.
- h. The Tier B Municipality shall only grant a variance or exemption from the design and performance standards for stormwater management measures if the municipality has a mitigation plan which meets the following requirements:
  - i. A mitigation plan must be included in an approved MSWMP and stormwater control ordinance(s). The mitigation plan shall identify measures that are necessary to offset the deficit created by granting the variance or exemption, and can be provided through a menu of design and performance standards with corresponding mitigation projects for different drainage areas within the municipality. See Chapter 3 of the NJ Stormwater BMP Manual at [www.njstormwater.org](http://www.njstormwater.org) for guidance; and
  - ii. The municipality submits, within 30 days after the grant of a variance or exemption, a written report to the county review agency and the Department describing the variance or exemption and the required mitigation. Submit the written report to the Department at:  
NJDEP-DWQ-BNPC

Mail Code 401-02B  
PO Box 420  
Trenton, NJ 08625-0420

- i. The Tier B Municipality shall:
  - i. Enforce, through the stormwater control ordinance(s) or a separate ordinance, compliance with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets not installed by the Tier B Municipality; and
  - ii. Comply with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets installed by the municipality.
- j. The Tier B Municipality shall ensure, as set forth in Attachment E (Stormwater Facilities Maintenance), adequate long-term cleaning, operation and maintenance of stormwater management measures:
  - i. Owned or operated by the Tier B Municipality; and
  - ii. Not owned or operated by the Tier B Municipality and not subject to the conditions of another NJPDES stormwater permit.
- k. For each structural and non-structural stormwater measure (e.g. basins, manufactured treatment devices, green infrastructure), the Tier B Municipality shall:
  - i. Complete a Major Development Stormwater Summary (as posted on the Department's website at [www.nj.gov/dep/dwq/tier\\_b\\_guidance\\_other.htm](http://www.nj.gov/dep/dwq/tier_b_guidance_other.htm); courtesy copy provided as Attachment D of this permit) when an application is made to the Tier B Municipality after **EDPA**;
  - ii. Update the Major Development Stormwater Summary while stormwater measures are being installed;
  - iii. Finalize the Major Development Stormwater Summary once certificate of occupancy is issued; and
  - iv. Maintain a completed Major Development Stormwater Summary and make it available to the Department upon request.
- l. The Stormwater Management rules (N.J.A.C. 7:8) and the Residential Site Improvement Standards for stormwater management (N.J.A.C. 5:21-7), independently and as implemented in this permit, apply to all areas of the Tier B Municipality.
- m. The Tier B Municipality shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Post Construction Stormwater Management in New Development and Redevelopment specified in Attachment A (Measureable Goals and Implementation Schedule).

**C. Additional Measures****1. Incorporation of Additional Measures**

- a. Additional Measures are non-numeric (e.g., best management practices) or numeric effluent limitations that are expressly required to be included in a Tier B Municipality's stormwater program by a TMDL; a regional stormwater management plan; other elements of an adopted area-wide Water Quality Management Plan; or the adopted Statewide Water Quality Management Plan.
- b. The Department will provide written notice of the adoption of any Additional Measure(s) to any affected Tier B Municipality. The Department will list each adopted Additional Measure in a minor modification to the Tier B MS4 NJPDES permit. For any required Additional Measure(s) other than numeric effluent limitations, the required Additional Measure(s) will specify the best management practices that shall be implemented and the measurable goals. The required Additional Measure(s) will also specify the implementation schedule.

**D. Optional Measures****1. Incorporation of Optional Measures**

- a. Optional Measures are BMPs, developed by the Tier B Municipality, that extend beyond the requirements of the Tier B MS4 NJPDES permit and that prevent or reduce pollution to waters of the State.
- b. The Tier B Municipality may, at its own discretion, incorporate Optional Measures into its MS4 stormwater program.
- c. Failure to implement an Optional Measure shall not be considered a violation of the NJPDES permit.

**E. Stormwater Coordinator****1. Designation of the Municipal Stormwater Program Coordinator (Stormwater Coordinator)**

- a. Each Tier B Municipality shall designate a Stormwater Coordinator.
- b. The Stormwater Coordinator shall be either a principal executive officer or a ranking elected official;
- c. A principal executive officer or ranking elected official of the Tier B Municipality may assign this responsibility to a duly authorized representative who has overall responsibility for the operation of municipal stormwater facilities or municipal environmental matters;
- d. If an assignment under Part IV.E.1.b or c, above changes, then a new assignment of responsibility shall be submitted to the Department. This is accomplished through completion of the online MSRP Annual Report (see Part IV.G below) or the Stormwater Program Coordinator Information Update Sheet posted at [www.nj.gov/dep/dwq/pdf/msrp\\_update\\_form.pdf](http://www.nj.gov/dep/dwq/pdf/msrp_update_form.pdf). This information shall be submitted to the Department within 30 days of such change taking place.

**2. Responsibilities of the Municipal Stormwater Program Coordinator**

- a. The Tier B Municipality shall designate a Municipal Stormwater Program Coordinator. The Stormwater Coordinator is responsible for:

- i. Coordinating the permittee's implementation of the Stormwater Program and Tier B MS4 NJPDES permit conditions;
- ii. Coordinating the completion and submittal of the Annual Report and Certification; and
- iii. Certifying, signing and dating the Annual Report.

## **F. Implementation of Stormwater Program Conditions through Shared or Contracted Services**

### **1. Shared Services**

- a. The Tier B Municipality may rely on another governmental, private, or nonprofit entity to satisfy one or more of the Tier B Municipality's MS4 NJPDES permit conditions, or component thereof, through the implementation of best management practices or control measures. This is only allowable provided the following conditions are met:
  - i. The other entity implements the control measure(s);
  - ii. The particular control measure(s), or component(s) thereof, is at least as stringent or as frequent as the corresponding NJPDES permit requirement;
  - iii. The other entity agrees in writing or is required by law to implement the measure(s), or component(s) thereof, in such a manner that is in compliance with the Tier B MS4 NJPDES permit on the Tier B Municipality's behalf; and
  - iv. The Tier B Municipality specifies which NJPDES permit conditions will be implemented by another entity and (2) the name of the responsible entity.
- b. For any projects or activities which the Tier B Municipality assigns to another entity which is a private contractor, the awarded contract shall require the contractor to conduct such projects or activities in such a manner that is in compliance with the Tier B MS4 NJPDES permit.
- c. The Tier B Municipality is responsible for compliance with this permit if the other entity fails to implement the measure(s) or component(s), thereof.

## **G. Annual Report and Certification**

### **1. Reporting Requirements**

- a. The Tier B Municipality shall complete an Annual Report, including any Supplemental Questions, using the electronic format provided by the Department via the MSRP Annual Report service accessed through the Regulatory Services Portal ([www.njdeponline.com](http://www.njdeponline.com)). The Annual Report shall summarize the status of compliance with the conditions of this permit. Specifically, this includes compliance for the subject year between January 1 and December 31 with the Statewide Basic Requirements (Part IV.B), Additional Measures (Part IV.C), Optional Measures (Part IV.D), and any other Tier B MS4 NJPDES permit conditions listed on the Annual Report form, including Supplemental Questions.
- b. The Stormwater Coordinator shall certify, sign and date the Annual Report.
- c. The Tier B Municipality shall submit the Annual Report and Certification to the Department through the Regulatory Services Portal (instructions at [www.nj.gov/dep/dwq/tier\\_b.htm](http://www.nj.gov/dep/dwq/tier_b.htm)) on or before **May 1st** of each year.
- d. A copy of each Annual Report and Certification shall be kept at a central location and shall be made available to the Department for inspection.

- e. The Tier B Municipality shall retain the Annual Report and Certification on-site for a period of at least five years.
- f. The Tier B Municipality shall document in the Annual Report (1) if it relies on another entity to satisfy one or more of the Tier B Municipality's MS4 NJPDES permit conditions as described in Part IV.E.3, above; (2) which NJPDES permit conditions will be satisfied by another entity; and (3) the name of the governmental, private, or nonprofit entity.

## **H. Additional Conditions**

### **1. Agency and Public Review**

- a. The Tier B municipality shall keep records required by this general permit for at least five years from the date of the record. The municipality shall submit these records to the Department if requested.
- b. Upon review by an authorized representative, the Department may notify the Tier B Municipality at any time that the stormwater program does not meet one or more of the minimum requirements. Within 30 days after receiving such notification (unless otherwise specified by the Department), the stormwater program shall be amended to adequately address all deficiencies, and written certification of such amendments shall be submitted to the Department.
- c. Tier B Municipalities shall make records required by this permit available to the public at reasonable times during regular business hours (see N.J.A.C. 7:14A-18 for confidentiality provisions).

## Attachment A – Measurable Goals and Implementation Schedule

### General

The following table specifies the Measurable Goals and Implementation Schedule of this Tier B MS4 NJPDES Permit. Each Measurable Goal and Implementation Schedule is associated with a permit citation and a summary of the associated Minimum Standard. The summary of Minimum Standard column represents a paraphrase of permit conditions. Actual Minimum Standards are found in Part IV of the permit.

An indication of whether the cited Minimum Standard is a new requirement is provided in the last column. Where a requirement is not new and not modified (and for some that are modified), the Existing Permittee is expected to be in compliance on the Effective Date of Permit Authorization (EDPA). For most new requirements (and for some modified requirements), additional time is provided for achieving compliance.

See below for specific Measurable Goals that shall be met. The Implementation Schedule refers to the date that a Minimum Standard must be incorporated into the Tier B Municipality's stormwater program. The Tier B permittee shall maintain a stormwater program that meets the Minimum Standard of each Statewide Basic Requirement (Part IV.B, above) and shall:

- Include required recordkeeping;
- Meet Implementation Schedules, consistent with permit requirements, including interim milestones; and
- Include inspection and maintenance schedules, as appropriate.

This table does not include Measurable Goals and an Implementation Schedule for the Notes and Definitions Part IV, Part IV.A (Permit Overview), Part IV.C (Additional Measures), IV.D (Optional Measures), IV.E (Stormwater Coordinator), IV.F (Shared Services), IV.G (Annual Report and Certification) and Part IV.H (Additional Conditions) because these are not Statewide Basic Requirements (see N.J.A.C. 7:14A-25.8). While not included in this table, Notes and Definitions Part IV, Part IV.A, C, D, E, F, G and H are permit requirements and compliance is required.

| <b>Measurable Goals for Statewide Basic Requirements and Other Conditions of this Permit</b>   |                                     |   |                                |                         |
|--|-------------------------------------|---|--------------------------------|-------------------------|
| <b>Summary of Minimum Standard</b><br>(See Part IV for specific permit requirements)   | <b>Permit Cite</b>                  | <b>Measurable Goal</b><br>(See Part IV for specific permit requirements)  | <b>Implementation Schedule</b> | <b>New Requirement?</b> |
| <b>Local Public Education and Outreach</b>   |                                     |   |                                |                         |
| Implementation of a Public Education and Outreach Program by conducting activities that total a minimum of 12 points on an annual basis.   | IV.B.1.a                            | Certify in each annual report that the minimum point value has been met and report point totals in the Annual Report. Maintain records of materials and activities from Attachment B, including dates of activities and any other relevant documentation (e.g. brochures, pictures, sign-in sheets, press clippings). | EDPA                           | Modified                |
| Label storm drain inlets, maintain the legibility of those labels, and replace labels that are missing or not legible along streets with sidewalks and within plazas, parking areas or maintenance yards operated by the municipality. | IV.B.1.b                            | Certify in each annual report that storm drains have been properly labeled and/or maintained.   | EDPA                           | No                      |
| Advertise public involvement program(s) pertaining to education and outreach activities.   | IV.B.1.c                            | Certify in each annual report that public involvement program(s) have been properly advertised on the website, through a mailing, through newspaper advertisement, or other similar means.  | EDPA + 12 months               | Yes                     |
| <b>Post Construction Stormwater Management in New Development and Redevelopment</b>  |                                     |   |                                |                         |
| Develop, update, implement and enforce its post construction stormwater management program in new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8).                              | IV.B.2.a, b, c, d, e, f, g, h, i, l | Certify in each annual report that the Tier A Municipality has developed, and is implementing and enforcing a program to address stormwater runoff from new development and redevelopment projects.   | EDPA                           | No                      |

| Summary of Minimum Standard<br>(See Part IV for specific permit requirements)  | Permit<br>Cite | Measurable Goal<br>(See Part IV for specific permit requirements)   | Implementation<br>Schedule | New<br>Requirement? |
|--|----------------|---|----------------------------|---------------------|
| Ensure, as set forth in Attachment E (Stormwater Facilities Maintenance), adequate long-term cleaning, operation and maintenance of stormwater management measures owned or operated by the Tier B Municipality.                                 | IV.B.2.j.i     | Certify in each annual report that all municipally owned and operated stormwater facilities are properly functioning. Maintain a log sufficient to demonstrate compliance with this section; including but not limited a list of inspections and preventative and corrective maintenance performed, and a schedule for repairs to be made. Certify in each annual report that copies of all maintenance plans are kept on file.         | EDPA + 12 months           | Modified            |
| Ensure, as set forth in Attachment E (Stormwater Facilities Maintenance), adequate long-term cleaning, operation and maintenance of stormwater management measures not owned or operated by the Tier B Municipality.                             | IV.B.2.j.ii    | Certify in each annual report that maintenance is being performed pursuant to any maintenance plan for all stormwater facilities not owned or operated by the Municipality. Maintain a log sufficient to demonstrate compliance with this section; including but not limited to a list of actions taken by the municipality to enforce compliance. Certify in each annual report that copies of all maintenance plans are kept on file. | EDPA + 12 months           | Modified            |
| For each structural and non-structural stormwater measure (e.g. basins), for which an application is made to the municipality after EDPA, the municipality shall complete, update, finalize and maintain a Major Development Stormwater Summary. | IV.B.2.k       | Certify in each annual report that Major Development Stormwater Summaries (Attachment D) have been completed and records have been maintained by the Tier A municipality.   | EDPA                       | Yes                 |

## Attachment B – Points System for Public Education and Outreach Activities

The Tier B Municipality shall implement a Public Education and Outreach Program that focuses on educational and pollution prevention activities to involve the public in reducing pollutants in stormwater and mitigating flow. The Tier B Municipality shall annually conduct educational activities that total at least 12 points and include activities from at least three of the six categories found below. Each approved activity is listed below with an assigned point value. Additional information on how to conduct these Public Education and Outreach activities can be found under Notes and Definitions Part IV.A.3 and 4 of this Tier B MS4 NJPDES permit. Records shall be kept necessary to demonstrate compliance with this requirement, including date of activities and any other relevant documentation.

For Tier B Municipalities that partially drain into Combined Sewer Systems, Category 6 describes priority education and outreach activities for these communities. Activities that are conducted as part of the effort to reduce or eliminate Combined Sewer Overflow (CSO) discharges and that focus on reducing stormwater inputs that impact CSO discharges are priority activities for these Tier B municipalities.

| Category 1: General Public Outreach |   |        |
|-------------------------------------|---|--------|
| Activity                            | Description   | Points |
| <b>Website and Social Media</b>     | Maintain a stormwater related page on the municipal website or on a municipal social media site. The web page may include links to other stormwater related resources, including the NJDEP stormwater website.  | 1      |
| <b>Newspaper Ad</b>                 | Use Department created and approved stormwater education materials available on <a href="http://www.cleanwater.nj.org">www.cleanwater.nj.org</a> to publish an ad in a newspaper or newsletter that serves the municipality.  | 1      |
| <b>Radio/Television</b>             | Broadcast a radio or television public service announcement from <a href="http://www.cleanwater.nj.org">www.cleanwater.nj.org</a> on a local radio or municipal public service channel.   | 1      |
| <b>Green Infrastructure Signage</b> | Post signs at municipally-owned green infrastructure sites that describe the function and importance of the infrastructure, contact phone number, municipal identification number, and/or website for more information.<br><br>*New signs receive 0.5 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits are allowed.                                       | 5*     |
| <b>Billboard/Sign</b>               | Produce and maintain (for credit in subsequent years) a billboard or sign which can be displayed on a bus, bus stop shelter, recreation field (outfield sign), or other similar public venue.   | 2      |
| <b>Mural</b>                        | Produce and maintain (for credit in subsequent years) the planning and painting of a stormwater pollution themed mural, storm drain art or other artwork at a local downtown/commercial area or other similar public venue.   | 2      |
| <b>Stormwater Facility Signage</b>  | Post signs at municipally-owned stormwater management basins or other structural stormwater facilities that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information.<br><br>*New signs receive 0.5 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits are allowed. | 5*     |

| Category 2: Targeted Audiences Outreach                    |  |        |
|--|--|--------|
| Activity   | Description  | Points |
| <b>Stormwater Display</b>                                  | Present a stormwater related display or materials at any municipal event (e.g., Earth Day, town picnic), at the municipal building or other similar public venue.  | 1      |
| <b>Promotional Item</b>                                    | Distribute an item or items with a stormwater related message (e.g., refrigerator magnets, temporary tattoos, key chains, bookmarks, pet waste bag dispensers, coloring books, and pens or pencils). Municipality must initially have available a minimum number of the items equal to 10% of the municipal population.  | 2      |
| <b>Mailing or e-Mailing Campaign</b>                       | Provide information to owners of stormwater facilities not owned or operated by the municipality highlighting the importance of proper maintenance of stormwater measures. Include links to the maintenance guidance posted on NJDEP web pages.  | 3      |
| <b>Mailing or e-Mailing Campaign</b>                       | Distribute any of the Department's educational brochures, tip cards, or a municipally produced equivalent (e.g., community calendar, newsletter, or recycling schedule) via a mailing to every resident and business in the municipality.  | 2      |
| <b>Stormwater Management Training</b>                      | Obtain Department approved training for design engineers, municipal engineers and other individual that review the stormwater management design for development and redevelopment projects on behalf of the municipality. This includes those individuals that review any projects that are subject to the Tier B municipality's municipal stormwater management plan and control ordinance as described in Part IV.B.2, above. Information on Department approved training is posted at <a href="http://www.njstormwater.org/training.htm">www.njstormwater.org/training.htm</a> . Documentation of completed training must be record-kept.<br><br>*Receive 2 credits per person trained. A maximum of 4 credits are allowed. | 4*     |
| <b>Municipal Board and Council Member Related Training</b> | Provide training to Municipal Board and Council Members that review and approve applications for development and redevelopment projects using the "Asking the Right Questions in Stormwater Review Training Tool" posted at <a href="http://www.njstormwater.org/training.htm">www.njstormwater.org/training.htm</a> . Training must be provided to those individuals that review projects that are subject to the Tier B Municipality's municipal stormwater management plan and control ordinance as described in Part IV.B.2, above.<br><br>*Receive 0.5 credits per person trained. A maximum of 6 credits are allowed.  | 6*     |

| Category 3: School / Youth Education and Activities |   |        |
|---|---|--------|
| Activity  | Description   | Points |
| <b>School Presentations</b>                         | Provide water-related educational presentation(s) and/or activities to local preschool, elementary, middle, and/or high school classes using municipal staff or local partner organizations. Topics could include stormwater, nonpoint source pollution, watersheds, water conservation and water quality. For ideas, see information at <a href="http://www.nj.gov/dep/seeds">www.nj.gov/dep/seeds</a> .<br><br>*Presentations receive 1 credit per presentation, with a maximum of 5 credits allowed. | 5*     |

|  |   |    |
|--|---|----|
| <b>Water Education Workshops</b>       | Provide water-related professional development workshops for local teachers from a registered NJ Department of Education Professional Development Provider.   | 2  |
| <b>Storm Drain Labeling</b>            | Organize a project to label and/or maintain storm drain labels (that are not already precast with a message) with a scout troop, local school district, or faith based group, or other community youth group for a minimum of 40 labels. This project could also include stenciling over precast labels to improve legibility.  | 3  |
| <b>Educational Contest for Schools</b> | Organize an educational contest with a local school district or a local community organization serving youth to design a poster, magnet, rain stick, rain barrel or other craft/art object. Contest themes shall have an appropriate stormwater message. Winning entries are to be displayed at publically accessible locations within the municipality such as at the town hall, library, post office, or school. The winning design should be shown on the municipality's website or social media site, if practical. | 3  |
| <b>AmeriCorps Event</b>                | Coordinate an event (e.g. volunteer stream monitoring, educational presentations, or stormwater awareness project) through <a href="#">AmeriCorps NJ Watershed Ambassador Program</a>   | 4  |
| <b>Clean-up</b>                        | Sponsor or organize a litter clean up for a scout troop, local school district, faith based group or other community youth group along a local waterway, public park, stormwater facility, or in an area with storm drains that discharge to a local lake or waterway.<br><br>*Clean-ups receive 1 credit per event, with a maximum of 3 credits allowed.   | 3* |

#### Category 4: Watershed Collaboration

| Activity                                 | Description  | Points |
|--|--|--------|
| <b>Regional Stormwater Collaboration</b> | Participate in a regional stormwater or other watershed-based group on a quarterly basis for one year to discuss impaired waterbodies, TMDLs, or watershed restoration plans that address those waterbodies. Evaluate, develop and implement remedies that resolve stormwater-based issues within the affected waterbody or watershed. | 3      |

#### Category 5: Community Involvement Activities

| Activity   | Description  | Points |
|--|--|--------|
| <b>Volunteer Stormwater Facility Assessment or Stream Monitoring</b> | Establish a volunteer stormwater facility assessment (inspection, inventory and/or mapping), or stream monitoring program for a waterbody within the municipality in order to gauge the health of the waterway through chemical, biological or visual monitoring protocols. Contact NJDEP's <a href="#">AmeriCorps NJ Watershed Ambassador Program</a> or review <a href="#">USEPA National Directory of Volunteer Monitoring Programs</a> . | 3      |
| <b>Rain Barrel Workshop</b>  | Organize or participate in a rain barrel workshop. This could be a partnership exercise with a local watershed organization, university, school, youth/faith based group, and/or other nonprofit.  | 3      |
| <b>Rain Garden Workshop</b>  | Organize or participate in a rain garden training or installation workshop. This could be a partnership exercise with a local watershed organization, university, school, youth/faith based group, and/or other nonprofit.   | 3      |

|                              |  |    |
|------------------------------|--|----|
|                              |  |    |
| <b>Community Event</b>       | Organize or participate in the organization of a community event to carry out stormwater activities such as stormwater measure maintenance or a stream buffer restoration. The municipality may identify and enter into a partnership agreement with a local group such as a watershed organization, university, utility, school, youth/faith based group, and/or other nonprofit to carry out these activities. | 3  |
| <b>Community Involvement</b> | Organize a project with a local organization to create and post signs at green infrastructure, stormwater facility, or CSO related gray and green infrastructure sites that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information. Signs receive 0.5 credits per sign.<br><br>*A maximum of 5 credits are allowed.    | 5* |

| <b>Category 6: Priority Activities for MS4 Municipalities that Impact CSOs</b> |   |               |
|--|---|---------------|
| <b>Activity</b>  | <b>Description</b>  | <b>Points</b> |
| <b>Regional Community Collaboration</b>  | Participate in regional community collaboration on a regular basis as part of the Long Term Control Planning Process for addressing CSOs. Evaluate, develop and implement remedies that resolve stormwater-based issues impacting CSO discharges.   | 3             |
| <b>Green Infrastructure Workshop</b>   | Organize or participate in a rain barrel, rain garden or other green infrastructure workshop for community residents. This could be a partnership exercise with a local watershed organization, utility, university, school, youth/faith based group, and/or other organization.  | 3             |
| <b>Stormwater Facility Signage</b>   | Post signs at CSO related gray and green infrastructure sites that describe the function and importance of the infrastructure, contact phone number, municipal identification number, and/or website for more information.<br><br>*New signs receive 0.5 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits are allowed.                  | 5*            |
| <b>Community Activity</b>  | Organize or participate in the organization of a community event to carry out stormwater activities such as stormwater facility maintenance or litter clean-up. The municipality may identify and enter into a partnership agreement with a local group such as a watershed organization, utility, university, school, youth/faith based group, and/or other organization to carry out these activities       | 3             |
| <b>Mural</b>   | Produce and maintain (for credit in subsequent years) the planning and painting of a stormwater impacts themed mural, storm drain art or other artwork at a local downtown/commercial area, school, park, or other similar public venue.  | 2             |
| <b>School Presentations</b>  | Provide educational presentation(s) and/or activities that relate to stormwater impacts to local preschool, elementary, middle, and/or high school classes using municipal staff or local partner organizations. For ideas, see information at <a href="http://www.nj.gov/dep/seeds">www.nj.gov/dep/seeds</a> .<br><br>*Presentations receive 1 credit per presentation, with a maximum of 5 credits allowed. | 5*            |

Preliminary Draft

## Attachment C - Design Standards for Storm Drain Inlets

### Application of Design Standard

The below design standard applies to the following types of storm drain inlet installation or retrofit projects:

- Storm drain inlets installed as part of new development and redevelopment (public or private) that disturb one acre or more;
- Storm drain inlets installed as part of new development and redevelopment (public or private) that are less than one acre that are part of a larger common plan of development or sale (e.g. phased residential development);
- Tier B Municipality owned or operated storm drain inlets must be retrofitted where the storm drains are (1) in direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or (2) in direct contact with any reconstruction or alteration of facilities; and

### Design Standard

Grates in pavement or other ground surfaces shall meet either of the following standards:

- The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see [www.nj.gov/transportation/publicat/pdf/BikeComp/introtofac.pdf](http://www.nj.gov/transportation/publicat/pdf/BikeComp/introtofac.pdf)); or
- A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets; the grate portion (non-curb opening portion) of combination inlets; grates on storm sewer manholes; ditch grates; trench grates; and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads, (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors used to collect stormwater from the surface into a storm drain or surface water body

For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.

## Exemptions from the Design Standard

- Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;
- Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

A bar screen having a bar spacing of 0.5 inches;

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- Where flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
- Where the Department determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet the standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

## Attachment D – Major Development Stormwater Summary

### General Information

|   |            |            |                              |
|---|------------|------------|------------------------------|
| 1. Project Name:  |            |            |                              |
| 2. Municipality:  | County:    | Block(s):  | Lot(s):                      |
| 3. Site Location (State Plane Coordinates – NAD83):         | E:         | N:         |                              |
| 4. Date of Final Approval for Construction by Municipality: |            |            |                              |
| Date of Certificate of Occupancy:                           |            |            |                              |
| 5. Project Type (circle all that apply):                    |            |            |                              |
| Residential   | Commercial | Industrial | Other (please specify) _____ |
| 6. Soil Conservation District Project Number:               |            |            |                              |
| 7. Did project require NJDEP Land Use Permit?               | Yes        | No         | Land Use Permit #:           |
| 8. Did project require the use of any mitigation measures?  | Yes        | No         |                              |
| If yes, which standard was mitigated?                       |            |            |                              |

### Site Design Specifications

|  |   |
|--|---|
| 1. Area of Disturbance (acres):  | Area of Proposed Impervious (acres):            |
| 2. List all Hydrologic Soil Groups:  |   |
| 3. Please Identify the Amount of Each Best Management Practices (BMPs) Utilized in Design Below: |   |
| Bioretention Systems _____   | Constructed Wetlands _____                      |
| Dry Wells _____  | Extended Detention Basins _____                 |
| Infiltration Basins _____  | Combination Infiltration/Detention Basins _____ |
| Manufactured Treatment Devices _____   |   |
| Pervious Paving Systems _____  | Sand Filters _____                              |
| Vegetative Filter Strips _____   | Wet Ponds _____                                 |
| Grass Swales _____   | Subsurface Gravel Wetlands _____                |
| Other _____  |   |

### Storm Event Information

|   |                                |               |
|---|--------------------------------|---------------|
| Storm Event: Rainfall (inches and duration) | 2 yr.: _____                   | 10 yr.: _____ |
|   | 100 yr.: _____                 | WQ DS: _____  |
| Runoff Computation Method (circle one):     |                                |               |
| NRCS: Dimensionless Unit Hydrograph         | NRCS: Delmarva Unit Hydrograph | Rational      |
| Modified Rational                           | Other: _____                   |               |

### Basin Specifications (answer all that apply)

\*If more than one basin, attach multiple sheets\*

|  |                                 |
|--|---------------------------------|
| 1. Type of Basin:  | Surface/Subsurface (circle one) |
| 2. Owner (circle one):   |                                 |
| Public   | Private: If so, Name: _____     |
|  | Phone number: _____             |
| 3. Basin Construction Completion Date:                         |                                 |
| 4. Drain Down Time (hr.):                                      |                                 |
| 5. Design Soil Permeability (in./hr.):                         |                                 |
| 6. Seasonal High Water Table Depth from Bottom of Basin (ft.): | Date Obtained: _____            |
| 7. Groundwater Recharge Methodology (circle one):              | 2 Year Difference               |
| NJGRS  | Other                           |
| NA   |                                 |
| 8. Groundwater Mounding Analysis (circle one):                 | Yes                             |
| No   | If, Yes Methodology Used: _____ |
| 9. Maintenance Plan Submitted: Yes                             | No                              |
| Is the Basin Deed Restricted: Yes                              | No                              |

Comments: \_\_\_\_\_

Name Of Person Filling Out This Form: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Basin Specifications (answer all that apply)**

**\*If more than one basin, attach multiple sheets\***

|   |                                 |  |                |  |
|---|---------------------------------|--|----------------|--|
| 10. Type of Basin:  | Surface/Subsurface (circle one) |  |                |  |
| 11. Owner (circle one):   | Phone number:                   |  |                |  |
| Public  | Private: If so, Name:           |  |                |  |
| 12. Basin Construction Completion Date:   |                                 |  |                |  |
| 13. Drain Down Time (hr.):  |                                 |  |                |  |
| 14. Design Soil Permeability (in./hr.):   |                                 |  |                |  |
| 15. Seasonal High Water Table Depth from Bottom of Basin (ft.):                     |                                 |  | Date Obtained: |  |
| 16. Groundwater Recharge Methodology (circle one): 2 Year Difference NJGRS Other NA |                                 |  |                |  |
| 17. Groundwater Mounding Analysis (circle one): Yes No If, Yes Methodology Used:    |                                 |  |                |  |
| 18. Maintenance Plan Submitted: Yes No Is the Basin Deed Restricted: Yes No         |                                 |  |                |  |

**Basin Specifications (answer all that apply)**

**\*If more than one basin, attach multiple sheets\***

|   |                                 |  |                |  |
|---|---------------------------------|--|----------------|--|
| 19. Type of Basin:  | Surface/Subsurface (circle one) |  |                |  |
| 20. Owner (circle one):   | Phone number:                   |  |                |  |
| Public  | Private: If so, Name:           |  |                |  |
| 21. Basin Construction Completion Date:   |                                 |  |                |  |
| 22. Drain Down Time (hr.):  |                                 |  |                |  |
| 23. Design Soil Permeability (in./hr.):   |                                 |  |                |  |
| 24. Seasonal High Water Table Depth from Bottom of Basin (ft.):                     |                                 |  | Date Obtained: |  |
| 25. Groundwater Recharge Methodology (circle one): 2 Year Difference NJGRS Other NA |                                 |  |                |  |
| 26. Groundwater Mounding Analysis (circle one): Yes No If, Yes Methodology Used:    |                                 |  |                |  |
| 27. Maintenance Plan Submitted: Yes No Is the Basin Deed Restricted: Yes No         |                                 |  |                |  |

**Basin Specifications (answer all that apply)**

**\*If more than one basin, attach multiple sheets\***

|   |                                 |  |                |  |
|---|---------------------------------|--|----------------|--|
| 28. Type of Basin:  | Surface/Subsurface (circle one) |  |                |  |
| 29. Owner (circle one):   | Phone number:                   |  |                |  |
| Public  | Private: If so, Name:           |  |                |  |
| 30. Basin Construction Completion Date:   |                                 |  |                |  |
| 31. Drain Down Time (hr.):  |                                 |  |                |  |
| 32. Design Soil Permeability (in./hr.):   |                                 |  |                |  |
| 33. Seasonal High Water Table Depth from Bottom of Basin (ft.):                     |                                 |  | Date Obtained: |  |
| 34. Groundwater Recharge Methodology (circle one): 2 Year Difference NJGRS Other NA |                                 |  |                |  |
| 35. Groundwater Mounding Analysis (circle one): Yes No If, Yes Methodology Used:    |                                 |  |                |  |
| 36. Maintenance Plan Submitted: Yes No Is the Basin Deed Restricted: Yes No         |                                 |  |                |  |

Name Of Person Filling Out This Form: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Attachment E – Stormwater Facilities Maintenance

### Municipally Owned or Operated Stormwater Facilities

The Tier B Municipality shall develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned or operated stormwater facilities as follows:

- a. Stormwater facility maintenance must be performed pursuant to any maintenance plans, or more frequently as needed, to ensure the proper function and operation of the stormwater facility;
- b. Maintain a log sufficient to demonstrate compliance with this section; including but not limited to a list of all inspections performed, name of inspector, date of inspection, findings, and any preventative and corrective maintenance performed. Example Maintenance Logs and Inspection Records forms are available at [www.njstormwater.org/maintenance\\_guidance.htm](http://www.njstormwater.org/maintenance_guidance.htm);
- c. Certify annually that municipally owned and operated stormwater facilities are properly functioning; and
- d. If stormwater facilities were found not to be functioning properly and repairs were not made, then necessary preventive and corrective maintenance shall be documented and prioritized, and a schedule for such repairs shall be maintained.

### Stormwater Facilities Not Owned or Operated By the Tier B Municipality

The Tier B Municipality shall develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the Tier B Municipality and not subject to the conditions of another NJPDES stormwater permit as follows:

- a. Ensure that stormwater facility maintenance is performed pursuant to any maintenance plans, or more frequently as needed, to ensure the proper function and operation of the stormwater facility; and
- b. Maintain a log sufficient to demonstrate compliance with this section; including but not limited to a list of all actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program.

### Maintenance Plans

The Tier B Municipality shall maintain copies of all maintenance plans for stormwater facilities approved after the effective date of the Tier B municipality's stormwater control ordinance. The Tier B municipality shall make copies of these maintenance plans available to the Department upon request.